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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,200	12/20/2001	Scott E. Hall	US 010680	5717

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EXAMINER

WILLIAMS, THOMAS J

ART UNIT PAPER NUMBER

3683

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,200

Applicant(s)

HALL ET AL.

Examiner

Thomas J. Williams

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MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11-13, 16-18 and 22-25 is/are rejected.
- 7) ☒ Claim(s) 5, 10, 14, 15, 19-21 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 22, 2004 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 22-25 rejected under 35 U.S.C. 102(b) as being anticipated by US 2,819,892 to Huff.

Re-claim 22, Huff discloses a spring adapted for rotational movement, comprising: a driven member 14 (which will be attached to some sort of appliance) adapted to receive a driving member 18 from an appliance body member (not illustrated), the driving member will move through a selected range of movement as will the driven member; a seal member (interpreted as element 10, this is consistent with the applicant's description of element 11 as being a seal member, see page 3 lines 23-24); at least two leg members 20 extend from the driven member to the appliance body, the energy stored in the legs will return the spring to its original position.

Re-claim 23, Huff illustrates a plurality of legs.

Re-claim 24, the movement of the driving member is rotational, column 1 lines 33-37.

Re-claim 25, Huff discloses in column 2 line 66 that the legs can be round bars, thus tubular and straight.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-4, 6-9, 11-13, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over SU 911,076 in view of Huff.

Re-claims 1-3, SU 911,076 teaches a spring adapted for rotational action, comprising: a first member 3 fixedly attached to an appliance body member 1; a second member 2/5 receives an appliance driving member 8, the driving member moves through a selected range of back and forth movement (see figure 2) as well as the second member; at least two legs 6 connect the first and second members, the energy stored in the spring (specifically the legs) will return the spring

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to a central position (see abstract). However, SU 911,076 fails to teach the first member as having a central opening for receiving the appliance driving member 8.

Huff teaches a rotary spring having a fixed first member, and that the member can take the form of an annular ring, thus having a central opening. Huff teaches that the shape chosen is dictated by its environment and use, see column 1 lines 57-63 noting specifically line 61 in which the base is described as being annular. The phrase "annular" implies a central opening. It would have been obvious to one of ordinary skill when having attached the appliance driving member 8 to the opposing side of the second member 2/5 in SU 911,076 to have provided the first element with a central opening for receiving the appliance driving member 8 as taught by Huff, thus providing an easier means for connecting an appliance to the rotating member 2/5 through removal of the appliance driving member 8 out of the volume adjacent the rotating member 2/5.

Re-claims 4, 6-8, 12, 13, 16 and 17, see figures 1 and 2.

Re-claim 9 and 11, SU 911,076 fails to teach the leg members being arcuate in configuration of changing size along their length. Huff teaches a rotary spring having leg members extending between two members, wherein the leg members have an arcuate configuration and change size along their length. It would have been obvious to one of ordinary skill in the art to have utilized the teachings of Huff regarding the shape of the leg members in the device of SU 911,076, thus providing increased stiffness against lateral forces as taught by Huff.

Re-claim 18, SU 911,076 fails to teach the spring having a conical configuration. Huff teaches a rotary spring having a conical configuration. It would have been obvious to one of

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ordinary skill in the art as a matter of design choice to have constructed the spring of SU 911,076 with a conical configuration as taught by Huff, since the applicant fails to disclose that the conical shape solves any stated problem or is for any particular purpose and it appears that the spring of SU 911,076 when shaped as a cone will function equally well as when shaped as a cylinder.

Allowable Subject Matter

7. Claims 5, 10, 14, 15, 19-21 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed March 22, 2004 have been fully considered but they are not persuasive. As stated in the above action, the seal member is interpreted as being the first member. This is consistent with the applicant's disclosure, wherein on page 3 lines 23-25, it is stated that the first member 11 could be a seal between a head portion and an appliance body. It is the opinion of the examiner that this interpretation is consistent with the applicant's interpretation, which lacks specifics.

Conclusion

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is (703) 305-1346. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder, can be reached at (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

TJW

June 9, 2004

THOMAS WILLIAMS
PATENT EXAMINER

Thomas Williams
Au 3683
6-9-04